

RECEIVED
CENTRAL FAX CENTER

JUN 06 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Friedman

Group Art Unit: 2179

Application No. 10/740,744

Examiner: Tran

Filed: December 19, 2003

Title: "ADAPTIVE DISCOVERY AND CONFIGURATION OF A USER-SELECTED
INPUT/OUTPUT DEVICE"

37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the USPTO centralized facsimile telephone number (571) 273-8300.

Scott P. Zimmerman

Name of Person Transmitting This Paper

June 6, 2008Date of Transmission

APPELLANT'S REPLY BRIEF

Mail Stop: Appeal Brief — Patents
Commissioner for Patents

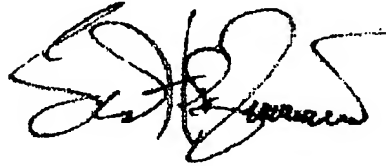
The Assignee/Appellant hereby submits a Reply Brief to the Examiner's Answer in the above-identified application.

A Notice of Appeal was filed November 28, 2007. The Appellant's Brief was submitted January 25, 2008. The Examiner's Answer was mailed April 11, 2008.

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Attorney Docket: 030563
U.S. Application No. 10/740,744 Examiner Tran Art Unit 2179
Appellant's Reply Brief to Examiner's Answer

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott P. Zimmerman", written over a horizontal line.

Scott P. Zimmerman
Reg. No. 41,390
Attorney for Appellant

RECEIVED
CENTRAL FAX CENTER
JUN 06 2008

Attorney Docket: 030563
U.S. Application No. 10/740,744 Examiner Tran Art Unit 2179
Appellant's Reply Brief to Examiner's Answer

STATUS OF CLAIMS

RECEIVED
CENTRAL FAX CENTER

JUN 06 2008

Claims 1-2, 6-8, 11, 17-18, 20-21, and 23 were finally rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,266,571 to Fado, *et al.* in view of U.S. Patent 6,789,111 to Brockway, *et al.*

Claims 3-5, 9-10, 12-16, 19, and 22 were finally rejected under 35 U.S.C. § 103 (a) as being obvious over *Fado* in view of *Brockway* and further in view of MATTHEW, ET AL., HOME NETWORKING WITH MICROSOFT WINDOWS XP: STEP BY STEP.

The Appellant appeals this final rejection of claims 1-23.

Attorney Docket: 030563
U.S. Application No. 10/740,744 Examiner Tran Art Unit 2179
Appellant's Reply Brief to Examiner's Answer

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The Appellant appeals the final rejection of claims 1-2, 6-8, 11, 17-18, 20-21, and 23 under 35 U.S.C. § 103 (a) as being as being obvious over U.S. Patent 6,266,571 to Fado, *et al.* in view of U.S. Patent 6,789,111 to Brockway, *et al.*

The Appellant also appeals the final rejection of claims 3-5, 9-10, 12-16, 19, and 22 under 35 U.S.C. § 103 (a) as being obvious over *Fado* in view of *Brockway* and further in view of MATTHEW, ET AL., HOME NETWORKING WITH MICROSOFT WINDOWS XP: STEP BY STEP.

Attorney Docket: 030563
U.S. Application No. 10/740,744 Examiner Tran Art Unit 2179
Appellant's Reply Brief to Examiner's Answer

RECEIVED
CENTRAL FAX CENTER

JUN 06 2008

ARGUMENT

The Examiner's Answer again demonstrates a lack of understanding of the "impermissible changes" standard. The Appellant has argued that *Fado's* principle of operation must be impermissibly changed to support the Office's *prima facie* case for obviousness. M.P.E.P. § 2143.01 explains that when a proposed combination changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to support a *prima facie* case. The Examiner's Answer, however, argues that "the skilled artisan ... would recognize that the teaching" of the cited documents can be modified to include the claimed features. See Examiner Tran, Examiner's Answer, at page 15, lines 17-22. The Examiner then writes "[a]ccordingly, it would have been obvious" to modify *Brockway* as taught by *Fado*.

The Examiner's Answer is unresponsive. When an Applicant argues "impermissible changes" are required, the Office cannot respond with obviousness. Regardless of what a document teaches, if a principle of operation must be changed, then the document cannot support a *prima facie* case. The Examiner's Answer fails to address why, or why not, *Fado's* principle of operation must be changed to support the Office's *prima facie* case for obviousness. The Examiner's Answer is thus not responsive to the Appellant's "impermissible changes" position.

The Board, then, is respectfully requested to remove the final rejection. The Board is respectfully requested to either i) allow the claims or ii) reopen prosecution.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

Attorney Docket: 030563
U.S. Application No. 10/740,744 Examiner Tran Art Unit 2179
Appellant's Reply Brief to Examiner's Answer

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
Attorney for the Assignee/Appellant
Reg. No. 41,390